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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,623	12/15/2000	Angelo Rizzardi	1999US001	2169

25255 7590 03/12/2003

CLARIANT CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
4000 MONROE ROAD
CHARLOTTE, NC 28205

EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,623

Applicant(s)

RIZZARDI ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 are cancelled.
2. Claims 16-31 are pending.
3. The objection of claims 18 and 22 is withdrawn in light of applicant's amendment to the claims.
4. The rejection of claims 16-22 and 26-28 under 35 U.S.C. 103(a) as being unpatentable over Bragg (US 4,430,243) is maintained for the reasons recited in the previous office action and further explained below.
5. The rejection of claims 29-30 under 35 U.S.C. 103(a) as being unpatentable over Bragg as applied to claims 16-22 and 26-28 above, and further in view of Kravetz et al. (US 4,025,453) is maintained for the reasons recited in the previous office action and further explained below.
6. The rejection of claims 23-25 under 35 U.S.C. 103(a) as being unpatentable over Bragg as applied to claims 16-22 and 26-28 above, and further in view of Chapple et al. (US 5,536,441) is maintained for the reasons recited in the previous office action and further explained below.

Response to Arguments

7. Applicant's arguments filed December 19, 2002 in paper no.6, have been fully considered but they are not persuasive because contrary to applicant's argument that Bragg et al. explicitly teach away from the utility of water, the examiner draws attention to col.2, ln.25-30, where Bragg et al. provide motivation to one of ordinary skill in the art to incorporate water into the composition by teaching that the catalyst composition for a

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peroxygen bleaching agent is soluble in water at pH 10. Furthermore, it must be noted that where Bragg et al. suggest that the agglomerate be substantially free of unbound water, it is for storage stability reasons, not to explicitly teach the exclusion of water. Also, in examples X to XVIII, Bragg et al. illustrate compositions comprising 13% water. Please see col.15, ln.39-50. The examiner notes that Bragg et al. do not specifically teach a bath composition comprising at least 90% water however, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the amount of water with a reasonable expectation of success, because the teachings of Bragg et al. suggest a water soluble catalyst composition for a peroxygen-bleaching agent comprising water in general.

Furthermore, regarding the argument that Bragg et al. do not specifically teach or suggest the utility of caustic soda, the examiner draws attention to examples I, III, IV and VI, where Bragg et al. formulate a detergent composition comprising the Gantrex AN119 which is prehydrolyzed with NaOH. Please see col.14, ln.20-27 and col.15.

Furthermore, regarding the ratio of detergency builder, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the amount of detergency builder, because the teachings of Bragg et al. suggest a broad range of detergency builder for use in the bleach catalyst composition.

New Grounds of Rejection

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the limitation, "wherein said bath composition *starts* with an alkaline pH" does not distinctly claim the subject matter.

Allowable Subject Matter

9. Claim 31 is allowed. The following is a statement of reasons for the indication of allowable subject matter: Claim 31 is allowable upon consideration of applicants' information disclosure statement and consideration of the prior art. The prior art most pertinent to the instant claims is Bragg (US 4,430,243). The instant claim is drawn to a composition comprising an activating compound formed of a mixture of urea and copper gluconate. Bragg does not specifically teach the claimed composition comprising an activating compound formed of a mixture of urea and copper gluconate and it would not have been obvious to one of ordinary skill in the art to treat the textile with a composition comprising an activating compound formed of a mixture of urea and copper gluconate, since the prior art teaches a peroxygen bleaching agent and a catalyst system comprising a heavy metal cation of defined bleach catalytic activity, particularly copper cations, an auxiliary metal cation having little or no bleach catalytic activity, particularly zinc or aluminum cations, and a sequestrant. None of the prior art of record specifically teach or suggest the claimed composition comprising an activating compound formed of a mixture of urea and copper gluconate.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

PK
March 7, 2003

Lorna M. Douyon
LORNA M. DOUYON
PRIMARY EXAMINER
